

REMARKS

Claims 1-31 are pending in the application. By this paper, claims 6 14, 21, 28 have been amended. Reconsideration and allowance of the pending claims is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that claims 6-7, 14-15, 21-22 and 28-29 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Accordingly, claims 6 14, 21, 28 have been amended by including limitations of their respective independent claims to put each of claims 6 14, 21, 28 itself into independent form. It is therefore submitted that claims 6-7, 14-15, 21-22 and 28-29 are now in condition for allowance.

Prior Art Rejections

Claims 1, 2, 11, 12, 18, 19, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US patent number 4,803,487 to Willard, et al. (“Willard”) in view of US patent number 5,128,187 to Koenck, et al. (“Koenck”). Claims 3, 4, 5, 9, 10, 13, 17, 20, 24, 27, 31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willard and Koenck and further in view of Tymes. Claims 8, 16, 23 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willard and Koenck and further in view of US patent number 5,765,027 to Wang (“Wang”).

Reconsideration of these rejections is respectfully requested. Independent claims 1, 11, 18 and 25 have been amended to more clearly define the invention defined by these claims. Each of these claims as amended recites in part, “used to conduct data communications including selective data reception and selective data transmission.” Support for this amendment may be found throughout the application including the independent claims themselves. For example, claim 1 further recites in part, “a communication processor ... for converting data received by the first and second communication transceivers to a format for processing by the base processing unit ... “and for converting data processed by the base processing unit to a format for transmission by a selected one of the first and second communication transceivers.” The first

and second communication transceivers are two-way communication devices, both receiving and transmitting data.

In clear contrast, Willard discloses one communication device that is receive only and one that is transmit only. The Office Action relies on Willard FIG. 2 item 206 as forming the claimed "base module," item items 204, 442 as forming the claimed first communication transceiver and items 218, 446 as forming the second communication transceiver. However, Willard clearly teaches that item 204 is "a first receiver section," i.e., capable of one-way communication, reception only, and incapable of transmission and two-way communication. Further, Willard clearly teaches that item 218 is a "transmitter." Transmitter 218 is thus capable of one-way communication or transmission only, and incapable of two-way communication. The operation of Willard's device as shown in FIG. 1 and described in column 2, lines 26-40, makes this functionality clear. The Willard device includes

first receiver means for receiving and detecting messages being transmitted on a first communications channel. Transmitter means, coupled to the first receiver means, transmits the messages received on the first communications channel on a second communications channel. A second receiver means, separated from the first receiver means, receives and detects the messages transmitted on the second communications channel and presents to the user the message on a presentation means.

Thus, the independent claims are clearly distinguishable over Willard.

Koenck fails to provide the missing teaching. Koenck discloses a device with a transceiver 128 and a data collection circuit 129 which communicate through a processor 125 (FIG. 8). The transceiver provides two-way communication but the data collection circuit, as its name makes clear, is one-way only:

The interface circuit 126 is coupled to a transceiver module 128. The microprocessor 125 may also be coupled directly to a data collection interface 129 to receive data from a scanner for reading any number of different bar codes or for providing input data from other external sources. The operation of the microprocessor 125 for coupling data to the base module 16 allows various input patterns to be processed by any of specific operational protocols controlled by the microprocessor 125, such that the data input from the data collection circuit can be made the same from any of a number of devices. Also with respect to the operation of the transceiver, in that the program for operating the microprocessor 125 may include particular address codes for data retrieval and data communication via the transceiver, the data sent via a data and control bus

between the microprocessors 125 and 104 can emulate a uniform data transfer protocol to the base module 16.

Koenck, column 8, lines 5-21.

Thus, even combining Willard and Koenck fails to disclose all features of the invention defined by claim 1, or even a device with similar functionality. The combination would provide a data collection device and radio communicator, as in Koenck, that could be separated into two components held or worn by a user (as in Willard FIG. 1), with radio communication between the two components. The feature of selective data transmission and selective data reception by two transceivers is absent from this combination.

While this discussion has focused on claim 1 and its differences from the Willard-Koenck combination, similar observations may be made about independent claims 11, 18 and 25. These claims include similar features that are absent from the prior art of record including Willard and Koenck, taken alone or in combination.

No rejection under 35 U.S.C. § 103(a) may be maintained unless the combination of references shows or suggests each and every element of the claimed invention. MPEP § 2143. Accordingly, it is submitted that independent claims 1, 11, 18 and 25 are patentable over the prior art of record. Dependent claims 2-5, 8-10, 12-13, 16-17, 19-20, 23-24, 26-27 and 30-31 are dependent from claims 1, 11, 18 and 25, respectively, and are submitted to be allowable for the same reasons. Accordingly, reconsideration and allowance of the pending claims is respectfully requested.

Application no. 10/787,443
Amendment dated: March 9, 2012
Reply to office action dated: November 9, 2011

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

/John G. Rauch/

John G. Rauch
Registration No. 37,218
Attorney for Applicants

March 9, 2012
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200